

AN ORDINANCE AMENDING
CHAPTER 117, SECTIONS
117.01 AND 117.04. OF THE
CITY OF FORT WAYNE CODE
OF LAWS.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 117, Section 117.01 of
the City of Fort Wayne Code of Laws be amended as
follows:

117.01 DEFINITIONS.

For the purpose of this Chapter, the following
definitions shall apply unless the context clearly
indicates or requires a different meaning:

CARNIVAL. A temporary entertainment establishment
located on private or public property which includes, but
is not limited to, side shows, games, regulated amusement
devices, rides and refreshments.

EXHIBITION. Any public show or trade show organized
to demonstrate and/or sell goods, wares or merchandise,
which is open to the public.

FESTIVAL. An event held for more than one day with
a special title and conducted in one location or more,
promoted to attract patrons from the City and surrounding
communities, which is planned, named and executed under
the total auspices of a not-for-profit organization.

FLEA MARKET. A market indoors, or out-of-doors, in
operation 120 calendar days or fewer, where new or used
items are sold from individual locations, with each
location being operated independently from the other
locations. Items sold include, but are not limited to,
household items, antiques, rare items, decorations, used
books and used magazines.

PERSON. Any individual, firm, corporation or
partnership.

TRANSIENT MERCHANT. All persons, both as principals
and agents, who engage in, do, or transact, any temporary
or transient business in this City, for a period of 120
calendar days or less, either in one locality or in
traveling from place to place in this City, offering for
sale or selling goods, wares or merchandise, except for
the sale of alcoholic beverages during the time of a
festival, and except for the operation of a carnival or
carnival rides during the time of a festival, and
including those who, for the purpose of carrying on such
business, hire, lease or occupy any permanent or mobile
building, structure, real estate, or any other place, for
the exhibition by means of samples, catalogues,
photographs, and price lists or sale of such goods, wares
or merchandise, but does not include:

(1) A resident of the City in which the sale
takes place who conducts a sale of tangible personal
property for no more than six calendar days;

1 (2) An organization that is exempt from the
2 Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is
3 a not-for-profit organization, and presents upon demand,
4 written proof of such exemption and/or status as a not-
5 for-profit organization;

6 (3) A person who provides proof that the sale
7 is being conducted as part of an activity sponsored by an
8 organization described in subdivision (B) of this
9 section.

10 **TRANSIENT MERCHANT/ALCOHOL PERMIT** - A permit issued
11 to a Transient Merchant Selling Alcoholic Beverages
12 During the Time of Festival, according to a rate schedule
13 established under Section 117.04 (2) of this ordinance.

14 **TRANSIENT MERCHANT/CARNIVAL PERMIT** - A permit issued
15 to a Transient Merchant Operating a Carnival or Carnival
16 Rides During the Time of a Festival, according to a rate
17 schedule established under Section 117.04 (2) of this
18 ordinance.

19 **TRANSIENT MERCHANT OPERATING A CARNIVAL OR CARNIVAL**
20 **RIDES DURING THE TIME OF A FESTIVAL.** All persons, both
21 as principals and agents, who engage in the operation of
22 a carnival or carnival rides, who do so in private or
23 public property during any of the same days that a
24 festival is occurring in the City of Fort Wayne.

25 **TRANSIENT MERCHANT SELLING ALCOHOLIC BEVERAGES**
26 **DURING THE TIME OF A FESTIVAL.** All persons, both as
27 principals and agents, who engage in the sale of
28 alcoholic beverages to the general public, as licensed to
29 do so by the Indiana Alcoholic Beverage Commission
30 through a Caterer's Permit or Temporary Beer or Temporary
31 Wine Permit, who do so in a temporary structure, tent or
32 mobile building during any of the same days that a
festival is occurring in the City of Fort Wayne.

SECTION 2. That Chapter 117, Section 117.04 of
the City of Fort Wayne Code of Laws be amended as
follows:

117.04 FEE; ISSUANCE; TERM.

1. Each transient merchant, or operator of a flea
market, exhibition or festival, except those engaged in
selling any alcoholic beverages during the time of a
festival, and except for those operating a carnival
during the time of a festival, shall pay to the City
Controller for a permit, the sum of \$250, and on the
filing of the application and the payment of the permit
fee as herein provided, the City Controller shall issue
a Transient Merchant Permit to do business as such at the
place described in the application for a period of not
less than 120 days. Any application for a permit must be
filed five (5) business days prior to the first day of
operation by the transient merchant.

2. All persons who apply for a Transient Merchant/Carnival Permit or a Transient Merchant/Alcohol Permit shall pay to the City Controller for a permit a sum derived from the following rate schedule:

<u>DAYS</u>	<u>HOURS</u>	<u>RATE</u>
Sunday-Thursday	Before 12:00 A.M .	\$500 per day

If the permit holder intends to operate after 12:00 A.M. on any day Sunday through Thursday, the permit cost shall be an additional \$300.00 for each hour of operation after 12:00 A.M.

Friday, Saturday & Holidays	Before 1:00 A.M.	\$1,000 per day
--------------------------------	------------------	-----------------

If the permit holder intends to operate after 1:00 A.M. on any Friday, Saturday or holiday, the permit cost shall be an additional \$500.00 for each hour of operation after 1:00 A.M.

This payment is due at the time of filing of the Transient Merchant/Alcohol Permit and/or the Transient Merchant/Carnival Permit, and the permittee shall then be issued a Transient Merchant/Alcohol permit to do business as such at the place described in the application. Any application for a permit must be filed thirty (30) business days prior to the first day of operation by the transient merchant.

4. A transient merchant desiring to sell alcoholic beverages and operate a carnival or carnival rides shall be required to obtain both a Transient Merchant/Alcohol Permit and a Transient Merchant/Carnival Permit.

5. A transient merchant selling alcoholic beverages or operating a carnival or carnival rides shall be exempt from the requirement of purchasing a Transient Merchant/Alcohol permit and/or a Transient Merchant/Carnival permit if said merchant is in either of the following two categories:

- a. Listed as the sole sponsor or partner in the sponsorship of a Festival, or as a vendor licensed by a Festival Sponsor.
- b. An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon demand, written proof of such exemption and/or status as a not-for-profit organization.
- c. Any individual, company or organization which receives a caterer's permit or temporary beer and wine permit for any event which will function no more than two days in any calendar week.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOUR STAR BRAND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Long, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 4-13-93, the 11 o'clock A. M., E.S.T. of 19, at 11:00 o'clock A. M., E.S.T.

DATED: 4-13-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Long, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>		<u>1</u>	<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY			<u>✓</u>	
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 6-15-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. B-22-93 on the 15th day of June, 1993.

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of June, 1993, at the hour of 9:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of June, 1993, at the hour of 9:40 o'clock A. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

MEMO April 12, 1993

TO: Fort Wayne City Council

G-93-04-13

FROM: Ann Smith, Linda Buskirk, Rick Orr & J. Timothy McCaulay

RE: Proposed festival ordinance and proposed amendments to the Transient Merchant ordinance

The City of Fort Wayne is fortunate to enjoy several festivals which celebrate our people and community. City government is committed to providing many services to all festivals. However, a tight city budget has the City struggling to provide festival services and services which citizens and neighborhoods expect throughout the year. For instance, in 1992 as City Council investigated whether revenues were available to fund the D.A.R.E. program at current levels, the City Police Department spent approximately \$72,000 on overtime for the Three Rivers Festival alone.

Two proposals have been drafted which would enable government to recoup some of its festival-related expenses. Fairness to all, including taxpayers, is the goal of these two festival-related proposals. Not all festivals require the same level of taxpayer-supplied services, so not all should be expected to pay the same amount of any "festival fees". Similarly, it would not be fair to target only the biggest festival to pay fees.

Under the first proposal, City government would donate up to 100 hours of police overtime to any festival. Any festival for which more than 100 hours of police overtime is supplied would be charged an amount equal to 25-percent of the cost of the additional hours.

The second proposal involves amending the Transient Merchant Ordinance to differentiate between transient merchants who sell alcohol and those who don't, and those who operate carnivals and those who don't. A festival organization could still receive, at no charge, one "blanket" transient merchant permit for its entire festival and all of its official participants. However, private beer tent operators and private carnival operators would be required to pay a minimum of \$500.00 per day for their permits, if these changes are approved as currently proposed.

The Transient Merchant ordinance amendments are designed to help the City recoup its police department overtime expenses caused by the presence of independent, non-festival beer tents and carnivals which take advantage of festival crowds and so create bigger crowds and require more police presence.

Below is a summary of both proposals:

What the ORDINANCE would do:

- 1) Redefines a Festival by saying that a Festival is an event sponsored by a not-for-profit organization. Therefore, a differentiation is made between Festival Sponsor and sponsor(s) of activities which take advantage of a festival's existence.
- 2) Limits the amount of space for which a barricade permit may be issued to a property-owner during a festival to the space directly adjacent to his/her property.
- 3) Creates police user fees:

City will incur up to 100 hours of police overtime before charging the fee.

Fee = 25% of additional police expenses incurred during a festival (after the first 100 hours).

Exempts festivals lasting 1 day or less.

- 4) Defines what the Fire Department will do for free for festivals and allows the Fire Dept. to charge for "property washdown" services, at a rate to be determined by the Board of Public Safety.

What the Transient Merchant Ordinance AMENDMENTS would do:

- 1) Creates a mechanism for the city to be compensated for the additional costs it incurs as a result of beer tent and carnival activity.
- 2) Differentiates between transient merchants who don't operate carnivals or sell alcohol and those who do.

- 3) Increases the transient merchants fee for alcohol-selling merchants or carnival-operating merchants from \$250.00 for a multi-day permit to the following schedule:

DAYS	HOURS	RATE
Sunday - Thursday	Before 11:00 P.M.	\$500.00 per day
Sunday - Thursday	After 11:00 P.M.	\$300.00 per hour
Friday, Saturday & Holidays	Before 11:00 P.M.	\$1,000.00 per day
Friday, Saturday & Holidays	After 11:00 P.M.	\$ 500.00 per hour

- 4) Exempts alcohol-selling and carnival-operating merchants from needing a "Transient Merchant/Alcohol" permit or "Transient Merchant/Carnival" permit if they are subject to the police overtime fees or if they are a not-for-profit organization.
- 5) Stipulates that a transient merchant wanting to sell alcohol AND operate a carnival must purchase BOTH types of permits.

Festivals and special events help create the image of an exciting city engaged in a continuous celebration of itself. Fort Wayne is fortunate to have a diverse array of these festivals which promote the downtown business district, commemorate our heritage, uplift the lives of our citizens and attract visitors - all at the same time.

In order to insure that festivals can do all these things in an environment that is safe to the public and fair to local taxpayers, City Council is asked to consider the proposed festival ordinance and the amendments to the transient merchants ordinance.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

MEMORANDUM

LAW DEPARTMENT

TO: CITY COUNCIL MEMBERS

FROM: J. TIMOTHY MCCAULAY, CORPORATION COUNSEL

DATE: April 12, 1993

SUBJECT: TRANSIENT MERCHANT ORDINANCE AMENDMENTS

This ordinance seeks to address ways to increase City revenue to offset expenses associated with certain "beer-tent" or "carnival" activities that would not be covered under the proposed "Festival" ordinance.

PRE-EMPTION QUESTION: I.C. 25-37 regulates transient merchants and someone may suggest that local regulatory efforts are pre-empted by the state law. However, I.C. 25-37-1-11 provides, in part: "This Chapter does not supersede any ordinance regulating transient merchants." Therefore, it would appear any pre-emption claim based on the state transient merchant law would fail.

State law also regulates the sale of alcoholic beverages and one statutory provision (I.C. 7.1-3-9-6) provides:

"A City or town shall not enact an ordinance which in any way, directly or indirectly, regulates, restricts, enlarges, or limits the operation or business of the holder of a liquor retailer's permit as provided in this title. A city or town shall not enact an ordinance covering any other business or place of business for the conduct of it in such a way as to prevent or inhibit the holder of a liquor retailer's permit from being qualified to obtain or continue to hold the permit, or operate to interfere with or prevent the exercise of the permittee's privileges under the permit."

However, this section has been judicially interpreted to not prohibit municipal land use regulations. See O'Banion v. State ex rel. Shively (1969), 146 Ind. App. 223, 253 N.E. 2d 739.

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

Therefore, it would appear that the local regulations would not be prohibited by state alcoholic beverage regulatory statutes.

HOME RULE ISSUES: Indiana Home Rule Law, I.C. 36-1-3-8, prohibits a municipality from imposing a license, fee, or service charge greater than that reasonably related to the administrative cost of exercising a regulatory power or to the cost of the service provided. Evidence will be presented to establish the reasonableness of the proposed fees and, in particular, the increased costs associated with "late-night" or "weekend (holiday)" operation.

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE CONTROLLER'S OFFICE

SYNOPSIS OF ORDINANCE 1. CREATES A MECHANISM FOR THE CITY TO BE COMPENSATED FOR THE ADDITIONAL COSTS IT INCURS FOR BEER TENTS AND CARNIVAL ACTIVITY; 2. DIFFERENTIATES BETWEEN TRANSIENT MERCHANTS WHO DO NOT OPERATE CARNIVALS OR SELL ALCOHOL AND THOSE WHO DO; 3. INCREASES THE TRANSIENT MERCHANT'S FEE FOR ALCOHOL-SELLING MERCHANTS OR CARNIVAL-OPERATING MERCHANTS; 4. EXEMPTS ALCOHOL-SELLING AND CARNIVAL-OPERATING MERCHANTS FROM NEEDING A "TRANSIENT MERCHANT/ALCOHOL" PERMIT IF THEY ARE SUBJECT TO THE POLICE OVERTIME FEES OR IF THEY ARE A NOT-FOR-PROFIT ORGANIZATION; 5. STIPULATES THAT A TRANSIENT MERCHANT WANTING TO SELL ALCOHOL AND OPERATE A CARNIVAL MUST PURCHASE BOTH TYPES OF PERMITS.

EFFECT OF PASSAGE AMENDMENTS CAN BE MADE.

EFFECT OF NON-PASSAGE AMENDMENTS CANNOT BE MADE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE AMENDING
CHAPTER 117, SECTIONS
117.01 AND 117.04. OF THE
CITY OF FORT WAYNE CODE
OF LAWS.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 117, Section 117.01 of
the City of Fort Wayne Code of Laws be amended as
follows:

117.01 DEFINITIONS.

For the purpose of this Chapter, the following
definitions shall apply unless the context clearly
indicates or requires a different meaning:

CARNIVAL. A temporary entertainment establishment
located on private or public property which includes, but
is not limited to, side shows, games, regulated amusement
devices, rides and refreshments.

EXHIBITION. Any public show or trade show organized
to demonstrate and/or sell goods, wares or merchandise,
which is open to the public.

FESTIVAL. An event held for more than one day with
a special title and conducted in one location or more,
promoted to attract patrons from the City and surrounding
communities, which is planned, named and executed under
the total auspices of a not-for-profit organization.

FLEA MARKET. A market indoors, or out-of-doors, in
operation 120 calendar days or fewer, where new or used
items are sold from individual locations, with each
location being operated independently from the other
locations. Items sold include, but are not limited to,
household items, antiques, rare items, decorations, used
books and used magazines.

PERSON. Any individual, firm, corporation or
partnership.

TRANSIENT MERCHANT. All persons, both as principals
and agents, who engage in, do, or transact, any temporary
or transient business in this City, for a period of 120
calendar days or less, either in one locality or in
traveling from place to place in this City, offering for
sale or selling goods, wares or merchandise, except for
the sale of alcoholic beverages and except for the
operation of a carnival or carnival rides, and including
those who, for the purpose of carrying on such business,
hire, lease or occupy any permanent or mobile building,
structure, real estate, or any other place, for the
exhibition by means of samples, catalogues, photographs,
and price lists or sale of such goods, wares or
merchandise, but does not include:

(1) A resident of the City in which the sale
takes place who conducts a sale of tangible personal
property for no more than six calendar days;

(2) An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon demand, written proof of such exemption and/or status as a not-for-profit organization;

(3) A person who provides proof that the sale is being conducted as part of an activity sponsored by an organization described in subdivision (B) of this section.

TRANSIENT MERCHANT OPERATING A CARNIVAL OR CARNIVAL RIDES. All persons, both as principals and agents, who engage in the operation of a carnival or carnival rides, including bungee jumping attractions, who do so in private or public property for a period of 120 days or less.

TRANSIENT MERCHANT SELLING ALCOHOLIC BEVERAGES. All persons, both as principals and agents, who engage in the sale of alcoholic beverages to the general public, as licensed to do so by the Indiana Alcoholic Beverage Commission through a Caterer's Permit or Temporary Beer or Temporary Wine Permit, who do so in a temporary structure, tent or mobile building.

SECTION 2. That Chapter 117, Section 117.04 of the City of Fort Wayne Code of Laws be amended as follows:

117.04 FEE; ISSUANCE; TERM.

1. Each transient merchant, or operator of a flea market, exhibition or festival, except those selling any alcoholic beverages, and except for those operating a carnival, shall pay to the City Controller for a permit, the sum of \$250, and on the filing of the application and the payment of the permit fee as herein provided, the City Controller shall issue a Transient Merchant Permit to do business as such at the place described in the application for a period of not less than 120 days. Any application for a permit must be filed five (5) business days prior to the first day of operation by the transient merchant.

2. Each transient merchant selling alcoholic beverages or operating a carnival or carnival rides shall pay to the City Controller for a permit a sum derived from the following rate schedule:

<u>DAYS</u>	<u>HOURS</u>	<u>RATE</u>
Sunday-Thursday	Before 11:00 P.M .	\$500 per day
Sunday-Thursday	After 11:00 P.M.	\$300 per hr.
Friday, Saturday & Holidays	Before 11:00 P.M.	\$1,000 per day
Friday, Saturday & Holidays	After 11:00 P.M.	\$500 per hr.

This payment is due at the time of filing of the Transient Merchant/Alcohol Permit and/or the Transient Merchant/Carnival Permit, and the permittee shall then be issued a Transient Merchant/Alcohol permit to do business

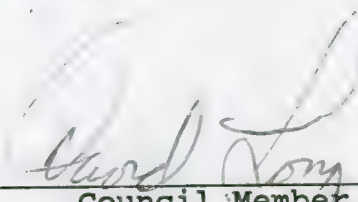
as such at the place described in the application. Any application for a permit must be filed thirty (30) business days prior to the first day of operation by the transient merchant.

4. A transient merchant desiring to sell alcoholic beverages and operate a carnival or carnival rides shall be required to obtain both a Transient Merchant/Alcohol Permit and a Transient Merchant/Carnival Permit.

5. A transient merchant selling alcoholic beverages or operating a carnival or carnival rides shall be exempt from the requirement of purchasing a Transient Merchant/Alcohol permit and/or a Transient Merchant/Carnival permit if said merchant is in either of the following two categories:


- a. Listed as the sole sponsor or partner in the sponsorship of a Festival, or as a vendor licensed by a Festival Sponsor.
- b. An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon demand, written proof of such exemption and/or status as a not-for-profit organization.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Council Member

APPROVED AS TO FORM
AND LEGALITY



J. TIMOTHY MCCAULAY, CITY ATTORNEY

BILL NO. G-93-04-13

REPORT OF THE COMMITTEE ON
REGULATIONS *of the Police*

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

*Hold
until
5/10/93
6-18-93*

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AMENDING CHAPTER 117,
SECTIONS 117.01 and 117.04 OF THE CITY OF FORT WAYNE CODE
OF LAWS

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Bradbury
Edmunds
Henry
Long
Parrie
Schmidt
Slawson

Lunsey

DATED: *6-15-93*

Sandra E. Kennedy
City Clerk

2. All persons who apply for a Transient Merchant/Carnival Permit or a Transient Merchant/Alcohol Permit shall pay to the City Controller for a permit a sum derived from the following rate schedule:

<u>DAYS</u>	<u>HOURS</u>	<u>RATE</u>
Sunday-Thursday	Before ^{12 AM} 11:00 P.M.	\$500 per day

If the permit holder intends to operate after ^{12 AM}~~11:00 P.M.~~ on any day Sunday through Thursday, the permit cost shall be an additional \$300.00 for each hour of operation after ~~11:00 P.M.~~

^{12 AM}

Friday, Saturday & Holidays	Before ^{1 AM} 11:00 P.M.	\$1,000 per day
-----------------------------	--	-----------------

If the permit holder intends to operate after ^{1 AM}~~11:00 P.M.~~ on any Friday, Saturday or holiday, the permit cost shall be an additional \$500.00 for each hour of operation after ~~11:00 P.M.~~

^{1 AM}

This payment is due at the time of filing of the Transient Merchant/Alcohol Permit and/or the Transient Merchant/Carnival Permit, and the permittee shall then be issued a Transient Merchant/Alcohol permit to do business as such at the place described in the application. Any application for a permit must be filed thirty (30) business days prior to the first day of operation by the transient merchant.

4. A transient merchant desiring to sell alcoholic beverages and operate a carnival or carnival rides shall be required to obtain both a Transient Merchant/Alcohol Permit and a Transient Merchant/Carnival Permit.

5. A transient merchant selling alcoholic beverages or operating a carnival or carnival rides shall be exempt from the requirement of purchasing a Transient Merchant/Alcohol permit and/or a Transient Merchant/Carnival permit if said merchant is in either of the following two categories:

- a. Listed as the sole sponsor or partner in the sponsorship of a Festival, or as a vendor licensed by a Festival Sponsor.
- b. An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon demand, written proof of such exemption and/or status as a not-for-profit organization.
- c. Any individual, company or organization which receives a caterer's permit or temporary beer and wine permit for any event which will function no more than two days in any calendar week.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

June 16, 1993

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of
June 19 & June 26, 1993, in both the News Sentinel and
Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-93-04-13 (as amended) (as amended)
Transient Merchant Ordinance

Please send us 3 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL:1

Notice is hereby given that on the 15th day of June, 19 93, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-93-04-13 (as amended) (as amended) Ordinance No. G-22-93 to-wit:

BILL NO. G-93-04-13 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-22-93

AN ORDINANCE AMENDING
CHAPTER 117, SECTIONS
117.01 AND 117.04. OF THE
CITY OF FORT WAYNE CODE
OF LAWS.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 117, Section 117.01 of
the City of Fort Wayne Code of Laws be amended as
follows:

117.01 DEFINITIONS.

For the purpose of this Chapter, the following
definitions shall apply unless the context clearly
indicates or requires a different meaning:

CARNIVAL. A temporary entertainment establishment
located on private or public property which includes, but
is not limited to, side shows, games, regulated amusement
devices, rides and refreshments.

EXHIBITION. Any public show or trade show organized
to demonstrate and/or sell goods, wares or merchandise,
which is open to the public.

FESTIVAL. An event held for more than one day with
a special title and conducted in one location or more,
promoted to attract patrons from the City and surrounding
communities, which is planned, named and executed under
the total auspices of a not-for-profit organization.

FLEA MARKET. A market indoors, or out-of-doors, in
operation 120 calendar days or fewer, where new or used
items are sold from individual locations, with each
location being operated independently from the other
locations. Items sold include, but are not limited to,
household items, antiques, rare items, decorations, used
books and used magazines.

PERSON. Any individual, firm, corporation or
partnership.

TRANSIENT MERCHANT. All persons, both as principals
and agents, who engage in, do, or transact, any temporary
or transient business in this City, for a period of 120
calendar days or less, either in one locality or in
traveling from place to place in this City, offering for
sale or selling goods, wares or merchandise, except for
the sale of alcoholic beverages during the time of a
festival, and except for the operation of a carnival or
carnival rides during the time of a festival, and
including those who, for the purpose of carrying on such
business, hire, lease or occupy any permanent or mobile
building, structure, real estate, or any other place, for
the exhibition by means of samples, catalogues,
photographs, and price lists or sale of such goods, wares
or merchandise, but does not include:

(1) A resident of the City in which the sale

1 (2) An organization that is exempt from the
2 Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is
3 a not-for-profit organization, and presents upon demand,
4 written proof of such exemption and/or status as a not-
5 for-profit organization;

6 (3) A person who provides proof that the sale
7 is being conducted as part of an activity sponsored by an
8 organization described in subdivision (B) of this
9 section.

10 **TRANSIENT MERCHANT/ALCOHOL PERMIT** - A permit issued
11 to a Transient Merchant Selling Alcoholic Beverages
12 During the Time of Festival, according to a rate schedule
13 established under Section 117.04 (2) of this ordinance.

14 **TRANSIENT MERCHANT/CARNIVAL PERMIT** - A permit issued
15 to a Transient Merchant Operating a Carnival or Carnival
16 Rides During the Time of a Festival, according to a rate
17 schedule established under Section 117.04 (2) of this
18 ordinance.

19 **TRANSIENT MERCHANT OPERATING A CARNIVAL OR CARNIVAL**
20 **RIDES DURING THE TIME OF A FESTIVAL.** All persons, both
21 as principals and agents, who engage in the operation of
22 a carnival or carnival rides, who do so in private or
23 public property during any of the same days that a
24 festival is occurring in the City of Fort Wayne.

25 **TRANSIENT MERCHANT SELLING ALCOHOLIC BEVERAGES**
26 **DURING THE TIME OF A FESTIVAL.** All persons, both as
27 principals and agents, who engage in the sale of
28 alcoholic beverages to the general public, as licensed to
29 do so by the Indiana Alcoholic Beverage Commission
30 through a Caterer's Permit or Temporary Beer or Temporary
31 Wine Permit, who do so in a temporary structure, tent or
32 mobile building during any of the same days that a
festival is occurring in the City of Fort Wayne.

SECTION 2. That Chapter 117, Section 117.04 of
the City of Fort Wayne Code of Laws be amended as
follows:

117.04 FEE; ISSUANCE; TERM.

1. Each transient merchant, or operator of a flea
market, exhibition or festival, except those engaged in
selling any alcoholic beverages during the time of a
festival, and except for those operating a carnival
during the time of a festival, shall pay to the City
Controller for a permit, the sum of \$250, and on the
filing of the application and the payment of the permit
fee as herein provided, the City Controller shall issue
a Transient Merchant Permit to do business as such at the
place described in the application for a period of not
less than 120 days. Any application for a permit must be
filed five (5) business days prior to the first day of
operation by the transient merchant.

2. All persons who apply for a Transient Merchant/Carnival Permit or a Transient Merchant/Alcohol Permit shall pay to the City Controller for a permit a sum derived from the following rate schedule:

<u>DAYS</u>	<u>HOURS</u>	<u>RATE</u>
Sunday-Thursday	Before 12:00 A.M .	\$500 per day

If the permit holder intends to operate after 12:00 A.M. on any day Sunday through Thursday, the permit cost shall be an additional \$300.00 for each hour of operation after 12:00 A.M.

Friday, Saturday & Holidays	Before 1:00 A.M.	\$1,000 per day
--------------------------------	------------------	-----------------

If the permit holder intends to operate after 1:00 A.M. on any Friday, Saturday or holiday, the permit cost shall be an additional \$500.00 for each hour of operation after 1:00 A.M.

This payment is due at the time of filing of the Transient Merchant/Alcohol Permit and/or the Transient Merchant/Carnival Permit, and the permittee shall then be issued a Transient Merchant/Alcohol permit to do business as such at the place described in the application. Any application for a permit must be filed thirty (30) business days prior to the first day of operation by the transient merchant.

4. A transient merchant desiring to sell alcoholic beverages and operate a carnival or carnival rides shall be required to obtain both a Transient Merchant/Alcohol Permit and a Transient Merchant/Carnival Permit.

5. A transient merchant selling alcoholic beverages or operating a carnival or carnival rides shall be exempt from the requirement of purchasing a Transient Merchant/Alcohol permit and/or a Transient Merchant/Carnival permit if said merchant is in either of the following two categories:

- a. Listed as the sole sponsor or partner in the sponsorship of a Festival, or as a vendor licensed by a Festival Sponsor.
- b. An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon demand, written proof of such exemption and/or status as a not-for-profit organization.
- c. Any individual, company or organization which receives a caterer's permit or temporary beer and wine permit for any event which will function no more than two days in any calendar week.

1 SECTION 3. That this Ordinance shall be in
2 full force and effect from and after its passage and any
3 and all necessary approval by the Mayor.
4

5
6 Thomas C. Henry
7 _____

Council Member

Read the third time in full and on motion by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven

Bradbury, Edmonds, Henry, Long, Ravine,
Schmidt, Talarico

NAYS: None

ABSTAINED: One

Lunsey

ABSENT: One

GiaQuinta

DATED: 6-15-93

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-22-93 on the 15th day of June, 1993

ATTEST

SEAL

Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of June, 1993, at the hour of 9:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk


Approved and signed by me this 16th day of June, 1993, at the hour of 9:40 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of _____ General _____ Ordinance No. G-22-93, passed by the Common Council on the 15th day of June, 19 93, and that said Ordinance was duly signed and approved by the Mayor on the 16th day of June, 19 93, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 16th day of June, 19 93.

SEAL


SANDRA E. KENNEDY
CITY CLERK

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

208 lines, 1 columns wide equals 208 equivalent lines at .495 cents per line \$ 102.96

Additional charge for notices containing rule or tabular work (50 percent of above amount) 1.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 103.96

LEGAL NOTICE

Notice is hereby given that on the 15th day of June, 1993, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-22-93 to-wit:

ORDINANCE NO. G-22-93 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-22-93

N ORDINANCE AMENDING CHAPTER 117, SECTIONS 117.01 AND 117.04. OF THE CITY OF FORT WAYNE CODE OF LAWS.

AND, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA: SECTION 1. That Chapter 117, Section 117.01 of the City of Fort Wayne Code of Laws be amended as follows:

117.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates otherwise requires a different meaning:

ARNIVAL. A temporary entertainment establishment located on private or public property which includes, but is not limited to, side shows, games, regulated amusement devices, rides and refreshments.

EXHIBITION. Any public show or trade show organized to demonstrate and/or sell goods, wares or merchandise, which is open to the public.

FESTIVAL. An event held for more than one day with a special title and conducted in one location or more, promoted to attract patrons from the City and surrounding communities, which is planned, named and executed under the total auspices of a not-for-profit organization.

LEA MARKET. A market indoors, or out-of-doors, operation 120 calendar days or fewer, where new used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books and used magazines.

PERSON. Any individual, firm, corporation or partnership.

RANSIENT MERCHANT. All persons, both as principals and agents, who engage in, do, or transact, any temporary or transient business in this City, for a period of 120 calendar days or less, either in one locality or in traveling from place to place in this City, offering for sale or selling goods, wares or merchandise, except for the sale of alcoholic beverages during the time of a festival, and except for the operation of a carnival or carnival rides during the time of a festival, and including those who, for the purpose of carrying on such business, hire, lease or occupy any permanent or mobile building, structure, real estate, or any other place, for the exhibition by means of samples, catalogues, photographs, and price lists or sale of such goods, wares or merchandise, but does not include:

1) A resident of the City in which the sale takes place who conducts a sale of tangible personal property for no more than six calendar days;

2) An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon demand, written proof of such exemption and/or status as a not-for-profit organization;

3) A person who provides proof that the sale is being conducted as part of an activity sponsored by an organization described in subdivision (B) of this section.

RANSIENT MERCHANT/ALCOHOL PERMIT - A permit issued to a Transient Merchant Selling Alcoholic Beverages During the Time of Festival, according to a rate schedule established under Section 117.04 (2) of this ordinance.

RANSIENT MERCHANT/CARNIVAL PERMIT - A permit issued to a Transient Merchant Operating a Carnival or Carnival Rides During the Time of a Festival, according to a rate schedule established under Section 117.04 (2) of this ordinance.

RANSIENT MERCHANT OPERATING A CARNIVAL OR CARNIVAL RIDES DURING THE TIME OF A FESTIVAL. All persons, both as principals and agents, who engage in the operation of a carnival or carnival rides, who do so in private or public property during any of the same days that a festival is occurring in the City of Fort Wayne.

RANSIENT MERCHANT SELLING ALCOHOLIC BEVERAGES DURING THE TIME OF A FESTIVAL. All persons, both as principals and agents, who engage in the sale of alcoholic beverages to the general public, as licensed to do so by the Indiana Alcoholic Beverage Commission through a Caterer's Permit or Temporary Beer or Temporary Wine Permit, who do so in a temporary structure, tent or mobile building during any of the same days that a festival is occurring in the City of Fort Wayne.

SECTION 2. That Chapter 117, Section 117.04 of the City of Fort Wayne Code of Laws be amended as follows:

117.04 FEE; ISSUANCE; TERM.

1. Each transient merchant, or operator of a flea market, exhibition or festival, except those engaged in selling any alcoholic beverages during the time of a festival, and except for those operating a carnival during the time of a festival, shall pay to the City Controller for a permit, the sum of \$250, and on the filing of the application and the payment of the permit fee as herein provided, the City Controller shall issue a Transient Merchant Permit to do business as such at the place described in the application for a period of not less than 120 days. Any application for a permit must be filed five (5) business days prior to the first day of operation by the transient merchant.

2. All persons who apply for a Transient Merchant/Carnival Permit or a Transient Merchant/Alcohol Permit shall pay to the City Controller for a permit a sum derived from the following rate schedule:

DAYS	HOURS	RATE
Sunday-Thursday	Before 12:00 A.M.	\$500 per day
If the permit holder intends to operate after 12:00 A.M. on any day Sunday through Thursday, the permit cost shall be an additional \$300.00 for each hour of operation after 12:00 A.M.		
Friday, Saturday & Holidays	Before 1:00 A.M.	\$1,000 per day
If the permit holder intends to operate after 1:00 A.M. on any Friday, Saturday or holiday, the permit cost shall be an additional \$500.00 for each hour of operation after 1:00 A.M.		

This payment is due at the time of filing of the Transient Merchant/Alcohol Permit and/or the Transient Merchant/Carnival Permit, and the permittee shall then be issued a Transient Merchant/Alcohol permit to do business as such at the place described in the application. Any application for a permit must be filed thirty (30) business days prior to the first day of operation by the transient merchant.

4. A transient merchant desiring to sell alcoholic beverages and operate a carnival or carnival rides shall be required to obtain both a Transient Merchant/Alcohol Permit and a Transient Merchant/Carnival Permit.

5. A transient merchant selling alcoholic beverages or operating a carnival or carnival rides shall be exempt from the requirement of purchasing a Transient Merchant/Alcohol permit and/or a Transient Merchant/Carnival permit if said merchant is in either of two categories:

a. Listed as the sole sponsor or partner in the sponsorship of a Festival, or as a vendor licensed by a Festival Sponsor

b. An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon demand, written proof of such exemption and/or status as a not-for-profit organization.

c. Any individual, company or organization which receives a caterer's permit or temporary beer and wine permit for any event which will function no more than two days in any calendar week.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry
Council Member

Read the third time in full and on motion by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven
Bradbury, Edmonds, Henry, Long, Ravine, Schmidt, Talarico

NAYS: None

ABSTAINED: One
Lunsey

ABSENT: One
GiaQuinta

DATED: 6-15-93

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-22-93 on the 15th day of June, 1993

ATTEST
Sandra E. Kennedy

City Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of June, 1993, at the hour of 9:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1993, at the hour of 9:40 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-22-93 passed by the Common Council on the 15th day of June, 1993, and that said Ordinance was duly signed and approved by the Mayor on the 16th day of June, 1993, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 16th day of June, 1993.

SANDRA E. KENNEDY, CITY CLERK

6-19-26 #341

that no part of the

Cindy Gullenwater

Clerk

AFFIDAVIT

a notary public in and for said county and state, the

Gullenwater

who, being duly sworn, says that he/

The Journal-Gazette

newspaper of general

ed in the English language in the (city) (town) of

and county aforesaid, and that the printed matter

y, which was duly published in said paper for

dates of publication being as follows:

Gullenwater

the this 26th day of June, 1993.

Anne M. Perkins

Notary Public

ARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

COMMISSION EXP. NOV. 29, 1993

FW Common Council
(Governmental Unit)

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

208 lines, 1 columns wide equals 208 equivalent lines \$ 102.96
at .495 cents per line
Additional charge for notices containing rule or tabular work (50 percent of above amount) 1.00
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) \$ 103.96

LEGAL NOTICE

Notice is hereby given that on the 15th day of June, 1993, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-93-04-13 (as amended) (as amended)

Ordinance No. G-22-93 to-wit: BILL NO. G-93-04-13 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-22-93 AN ORDINANCE AMENDING CHAPTER 117, SECTIONS 117.01 AND 117.04, OF THE CITY OF FORT WAYNE CODE OF LAWS.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA: SECTION 1. That Chapter 117, Section 117.01 of the City of Fort Wayne Code of Laws be amended as follows:

117.01 DEFINITIONS. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CARNIVAL. A temporary entertainment establishment located on private or public property which includes, but is not limited to, side shows, games, regulated amusement devices, rides and refreshments. EXHIBITION. Any public show or trade show organized to demonstrate and/or sell goods, wares or merchandise, which is open to the public.

FESTIVAL. An event held for more than one day with a special title and conducted in one location or more, promoted to attract patrons from the City and surrounding communities, which is planned, named and executed under the total auspices of a not-for-profit organization.

FLEA MARKET. A market indoors, or out-of-doors, in operation 120 calendar days or fewer, where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books and used magazines.

PERSON: Any individual, firm, corporation or partnership.

TRANSIENT MERCHANT. All persons, both as principals and agents, who engage in, do, or transact, any temporary or transient business in this City, for a period of 120 calendar days or less, either in the locality or in traveling from place to place in this City, offering for sale or selling goods, wares or merchandise, except for the sale of alcoholic beverages during the time of a festival, and except for the operation of a carnival or carnival rides during the time of a festival, and including those who, for the purpose of carrying on such business, hire, lease or occupy any permanent or mobile building, structure, real estate, or any other place, for the exhibition by means of samples, catalogues, photographs, and price lists or sale of such goods, wares or merchandise, but does not include:

(1) A resident of the City in which the sale takes place who conducts a sale of tangible personal property for no more than six calendar days;

(2) An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon demand, written proof of such exemption and/or status as a not-for-profit organization;

(3) A person who provides proof that the sale is being conducted as part of an activity sponsored by an organization described in subdivision (B) of this section.

TRANSIENT MERCHANT/ALCOHOL PERMIT - A permit issued to a Transient Merchant Selling Alcoholic Beverages During the Time of Festival, according to a rate schedule established under Section 117.04 (2) of this ordinance.

TRANSIENT MERCHANT/CARNIVAL PERMIT - A permit issued to a Transient Merchant Operating a Carnival or Carnival Rides During the Time of a Festival, according to a rate schedule established under Section 117.04 (2) of this ordinance.

TRANSIENT MERCHANT OPERATING A CARNIVAL OR CARNIVAL RIDES DURING THE TIME OF A FESTIVAL. All persons, both as principals and agents, who engage in the operation of a carnival or carnival rides, who do so in private or public property during any of the same days that a festival is occurring in the City of Fort Wayne.

TRANSIENT MERCHANT SELLING ALCOHOLIC BEVERAGES DURING THE TIME OF A FESTIVAL. All persons, both as principals and agents, who engage in the sale of alcoholic beverages to the general public, as licensed to do so by the Indiana Alcoholic Beverage Commission through a Caterer's Permit or Temporary Beer or Temporary Wine Permit, who do so in a temporary structure, tent or mobile building during any of the same days that a festival is occurring in the City of Fort Wayne.

SECTION 2. That Chapter 117, Section 117.04 of the City of Fort Wayne Code of Laws be amended as follows:

117.04 FEE; ISSUANCE; TERM.

1. Each transient merchant, or operator of a flea market, exhibition or festival, except those engaged in selling any alcoholic beverages during the time of a festival, and except for those operating a carnival during the time of a festival, shall pay to the City Controller for a permit, the sum of \$250, and on the filing of the application and the payment of the permit fee as herein provided, the City Controller shall issue a Transient Merchant Permit to do business as such at the place described in the application for a period of not less than 120 days. Any application for a permit must be filed five (5) business days prior to the first day of operation by the transient merchant.

2. All persons who apply for a Transient Merchant/Carnival Permit or a Transient Merchant/Alcohol Permit shall pay to the City Controller for a permit a sum derived from the following rate schedule:

DAYS HOURS RATE
Sunday-Thursday Before 12:00 A.M. \$500 per day
If the permit holder intends to operate after 12:00 A.M. on any day Sunday through Thursday, the permit cost shall be an additional \$300.00 for each hour of operation after 12:00 A.M.

Friday, Saturday & Holidays Before 1:00 A.M. \$1,000 per day
If the permit holder intends to operate after 1:00 A.M. on any Friday, Saturday or holiday, the permit cost shall be an additional \$500.00 for each hour of operation after 1:00 A.M.

This payment is due at the time of filing of the Transient Merchant/Alcohol Permit and/or the Transient Merchant/Carnival Permit, and the permittee shall then be issued a Transient Merchant/Alcohol permit to do business as such at the place described in the application. Any application for a permit must be filed thirty (30) business days prior to the first day of operation by the transient merchant.

4. A transient merchant desiring to sell alcoholic beverages and operate a carnival or carnival rides shall be required to obtain both a Transient Merchant/Alcohol Permit and a Transient Merchant/Carnival Permit.

5. A transient merchant selling alcoholic beverages and operating a carnival or carnival rides shall be exempt from the requirement of purchasing a Transient Merchant/Alcohol permit and/or a Transient Merchant/Carnival permit if said merchant is in either of two categories:

a. Listed as the sole sponsor or partner in the sponsorship of a Festival, or as a vendor licensed by a Festival Sponsor

b. An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon demand, written proof of such exemption and/or status as a not-for-profit organization.

c. Any individual, company or organization which receives a caterer's permit or temporary beer and wine permit for any event which will function no more than two days in any calendar week.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry
Council Member
and the third time in full and on motion by Henry, duly adopted, placed on its passage. PASSED the following vote:

ES: Seven
Edmundo, Edmonds, Henry, Long, Ravine, midt, Talarico
(S: None
TAINED: One
ay
ENT: One
Jinta
LD: 6-15-93

Sandra E. Kennedy
City Clerk
and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance N-2-93 on the 15th day of June, 1993
SE: Kennedy

City Clerk
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of June, 1993, at the hour of 9:00 o'clock A.M., E.S.T.

Approved and signed by me this 16th day of June, 1993, at the hour of 9:40 o'clock A.M., E.S.T.

Paul Helmke
Mayor
I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-22-93 passed by the Common Council on the 15th day of June, 1993, and that said Ordinance was duly signed and approved by the Mayor on the 16th day of June, 1993, and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 16th day of June, 1993.
SANDRA E. KENNEDY, CITY CLERK #341

AFFIDAVIT

I, _____, a notary public in and for said county and state, the water _____ who, being duly sworn, says that he/
The News-Sentinel, a newspaper of general circulation published in the English language in the (city) (town) of _____ and county aforesaid, and that the printed matter therein, which was duly published in said paper for _____ dates of publication being as follows:

me this 26th day of June, 1993.
Anne M. Perkins
Notary Public
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP. NOV. 29, 1993

FW Common Council
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

208 lines, 1 columns wide equals 208 equivalent lines
at .495 cents per line

\$ 102.96

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 103.96

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: June 26, 19 93

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time , the dates of publication being as follows:

person.
HNICIAN
ship with
top seeks
& paint
commen-
ity, good
ackground
to:
ial Box
389621M
801-0087
\$ \$ \$ \$ \$ \$ \$
N
y, set own
door
4449
Rent a
ice salon.
details.
rofession-
Office &
414
lard

years of verifiable experi-
ence, flatbed exp. helpful.
Good pay. Home most
eves. & weekends. Call
collect 7-4, 419-749-2117

DRIVERS NEEDED -Must be
18 yrs or older. Car & in-
surance. Apply at Papa
John's, 5440 Coldwater Rd.

DRIVERS OVER ROAD
Ramco Transportation, 2100
Goshen Rd., Fort Wayne,
IN. 219-484-4499.
• Home often
• Minimum 1 yr. exp.
• Verified work record
• 25 yrs. or older
• CDL license required

**DRIVERS
OVER THE ROAD**
for transporting steel &
machinery, approx. 300 mi.
radius of Ft. Wayne. We
also need Drivers for nation-
wide hauling. Must have ex-
cellent driving record with
at least 2 yrs. experience.
Also needed local drivers
for Low boy & Flatbed.
Must have experience in
hauling machinery.

FW Common Council

(Governmental Unit)

ALLEN

County, Indiana

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
 -- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

208 lines, 1 columns wide equals 208 equivalent lines
 at .495 cents per line

\$ 102.96

Additional charge for notices containing rule or tabular work
 (50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) _____

1.00

TOTAL AMOUNT OF CLAIM

\$ 103.96

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: June 26, 19 93

Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time _____, the dates of publication being as follows:

DRIVERS
 Good pay. Home most eves. & weekends. Call collect 7-4, 419-749-2117

DRIVERS NEEDED - Must be 18 yrs or older. Car & insurance. Apply at Papa John's, 5440 Coldwater Rd.

DRIVERS OVER ROAD
 Ramco Transportation, 2100 Goshen Rd., Fort Wayne, IN. 219-484-4499.

- Home often
- Minimum 1 yr. exp.
- Verified work record
- 25 yrs. or older
- CDL license required

DRIVERS OVER THE ROAD
 for transporting steel machinery, approx. 300 mi. radius of Ft. Wayne. We also need Drivers for nationwide hauling. Must have excellent driving record with at least 2 yrs. experience. Also needed local drivers for Low boy & Flatbed. Must have experience in

DRIVERS
 Good pay. Home most eves. & weekends. Call collect 7-4, 419-749-2117

DRIVERS NEEDED - Must be 18 yrs or older. Car & insurance. Apply at Papa John's, 5440 Coldwater Rd.

DRIVERS OVER ROAD
 Ramco Transportation, 2100 Goshen Rd., Fort Wayne, IN. 219-484-4499.

- Home often
- Minimum 1 yr. exp.
- Verified work record
- 25 yrs. or older
- CDL license required

DRIVERS OVER THE ROAD
 for transporting steel machinery, approx. 300 mi. radius of Ft. Wayne. We also need Drivers for nationwide hauling. Must have excellent driving record with at least 2 yrs. experience. Also needed local drivers for Low boy & Flatbed. Must have experience in